

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION**

This document relates to:

City of New York v. Amerada Hess Corporation, et al.,
No. 04 Civ. 3417 (SAS)

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

**DECLARATION OF LISA A. GERSON IN FURTHER SUPPORT OF
EXXON MOBIL CORPORATION'S MOTION TO EXCLUDE OPINIONS OF
PLAINTIFF'S EXPERT DAVID TERRY**

Lisa A. Gerson, an attorney duly licensed to practice law in the State of New York and in the United States District Court for the Southern District of New York, hereby declares the following under penalties of perjury:

1. I am a member of the law firm of McDermott Will & Emery LLP, counsel for the Exxon Mobil Corporation ("ExxonMobil") Defendants in the above-captioned matter. I submit this Declaration in Further Support of Exxon Mobil Corporation's Motion to Exclude Opinions of Plaintiff's Expert David Terry (hereinafter "Reply"). This Declaration authenticates the exhibits attached hereto and relied on in support of the Reply. In accordance with this Court's Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around August 4, 2009.
2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the Expert Site Specific Rebuttal Report of Marcel Moreau (Mar. 23, 2009).
3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the transcript of the deposition of David B. Terry (July 1, 2009).


4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the Malcolm Pirnie West Side Corporation Final Offsite Plume Delineation and Investigation Report (Mar. 2009).

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the Second Errata to February 6, 2008 Expert Report of David B. Terry, P.G. (Apr. 20, 2009).

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the Expert Rebuttal Report of David B. Terry, P.G. (Mar. 23, 2009).

Dated: New York, NY
August 4, 2009

Respectfully submitted,



Lisa A. Gerson